UNITED STATES PATENT AND TRADEMARK OFFICE

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10/680,930	10/07/2003	Viraj Chatterjee	07844/613001/P566	7598

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EXAMINER
NGUYEN, KEVIN M

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte VIRAJ CHATTERJEE, SUSANTA SARKAR,
and NARESH C. GUPTA

———————

Appeal 2009-005213
Application 10/680,930
Technology Center 2600

———————

Before JOHN C. MARTIN, THOMAS S. HAHN,
and ELENI MANTIS MERCADER, *Administrative Patent Judges.*

MANTIS MERCADER, *Administrative Patent Judge.*

DECISION ON APPEAL[1]

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[1] The two-month time period for filing an appeal or commencing a civil
action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing,
as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE"
(paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery
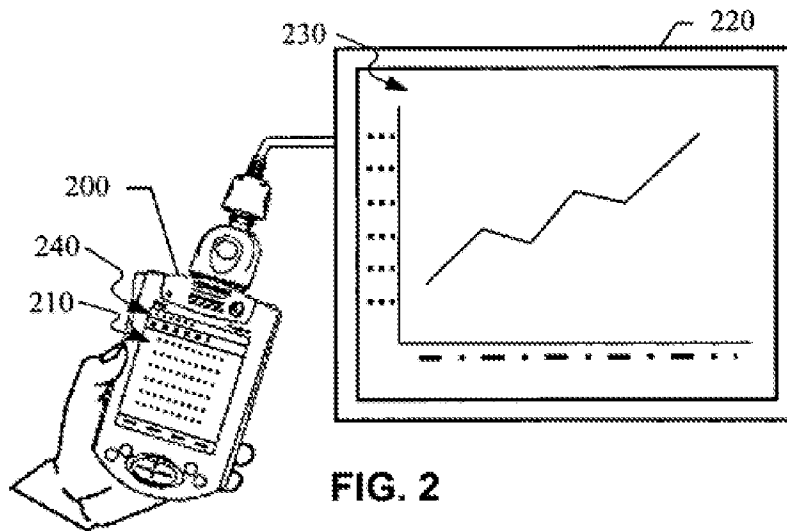mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1-49. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

INVENTION

Appellants' Figure 2 is reproduced below:

FIG. 2

Appellants' Figure 2 and claimed invention are directed to separate document renderings based on the different display characteristics of the display devices and also on the type of device. Thus, a view 210 on the Personal Digital Assistant (PDA) 200 can have different content than a view 230 on the display device 220, even when the same electronic document is being presented. The application can render two different pages of the document to generate the two different views 210, 230, or the application can render the same page in a different manner to generate the two different views 210, 230. This targeting of content to the different display devices can be done both to address the display characteristics of the devices (i.e.,

various graphics from the document that are shown in the view 230 need not

be shown in the view 210 on the PDA 200), and to facilitate the presentation

(e.g., private notes relating to the current slide can be shown in the view 210

on the PDA 200, without also appearing in the view 230 on the display

device 220). (*See* Fig. 2; Spec. [0026]).

Claim 1, reproduced below, is representative of the subject matter on

appeal:

1. A method comprising:
identifying, by a software application in a computing system, display
characteristics of multiple display devices; and
generating, by the software application in the computing system,
simultaneous independent views of an electronic document on the display
devices by separately rendering the electronic document to each of the
display devices based on the identified display characteristics of the device.

THE REJECTIONS

The Examiner relies upon the following as evidence of

unpatentability:

Singhal	US 5,488,385	Jan. 30, 1996
Meyn	US 5,859,623	Jan. 12, 1999
Tafoya	US 5,917,480	Jun. 29, 1999
Okuley	US 6,956,542 B2	Oct. 18, 2005
Terayama	US 7,010,551 B2	Mar. 7, 2006
Shih	US 7,102,591 B2	Sep. 5, 2006

The following rejections are before us for review:

1. The Examiner rejected claims 1, 18, 35-39, 48, and 49 under 35

U.S.C. § 102(b) as being anticipated by Singhal.

2. The Examiner rejected claims 2-8, 11, 19-25, 28, 41, and 42 under 35 U.S.C. § 103(a) as unpatentable over Singhal in view of Terayama.

3. The Examiner rejected claims 46 and 47 under 35 U.S.C. § 103(a) as unpatentable over Singhal in view of Okuley.

4. The Examiner rejected claims 9, 10, 12-15, 26, 27, 29, 31, 32, and 40 under 35 U.S.C. § 103(a) as unpatentable over Singhal in view of Shih.

5. The Examiner rejected claim 43 under 35 U.S.C. § 103(a) as unpatentable over Singhal in view of Terayama and Tafoya.

6. The Examiner rejected claims 44 and 45 under 35 U.S.C. § 103(a) as unpatentable over Singhal in view of Terayama, Tafoya, and Meyn.

7. The Examiner rejected claims 13, 16, 17, 30, 33, and 34 under 35 U.S.C. § 103(a) as unpatentable over Singhal in view of Shih and Meyn.

ISSUES

A pivotal issue is whether Singhal teaches "identifying, by a software application in a computing system, display characteristics of multiple display devices," as recited in claim 1.

Regarding independent claim 48, the issue is whether Singhal fails to disclose images that represent "independent views of "*an electronic document*" (emphasis added) (*see* App. Br. 13).

PRINCIPLES OF LAW

If the prior art reference does not expressly set forth a particular element of the claim, that reference still may anticipate if that element is "inherent" in its disclosure. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so

recognized by persons of ordinary skill." "Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient."

In re Robertson, 169 F.3d 743, 745 (Fed. Cir. 1999) (citations omitted).

ANALYSIS

Anticipation Rejection

Appellants argue (App. Br. 12-13) that nothing in Singhal teaches a *software application* for *identifying* display characteristics of multiple display devices. We agree with Appellants.

At the outset, we note that the Examiner equates the term "identify" with the term "recognize" (Ans. 14; reciting "identify/recognize") and Appellants (Reply Br. 3) do not contest such a qualification. Turning to the Examiner's (Ans. 14) cited Singhal portions (col. 5, ll. 47-53, 55-61), we find nothing to support the assertion that the computing system, either expressly or inherently, via the use of software *identifies/recognizes* the two different types of displays LCD 52 and CRT 54 based on their characteristics. In other words, there is no recognition of the different display characteristics via software.

Furthermore, we note that the user could have inputted the different characteristics for the two types of displays in the system or the different types of displays characteristics could have been pre-stored.

Thus, the mere recitation of the different characteristics of the two displays (col. 5, ll. 47-53) does not necessarily entail using software to recognize the different characteristics of the two displays. *See Robertson*, 169 F.3d at 745.

Accordingly, we will reverse the Examiner's rejection of claim 1 and for similar reasons the rejection of claims 18, and 35-39.

With respect to independent claim 48 and its dependent claim 49, Appellants argue that the Examiner's proffered section of Singhal (col. 6, ll-36-37) does not teach that the images are "independent views of <u>an electronic document</u>," claim language that we understand to mean independent views of the same electronic document. This argument is unpersuasive because Singhal teaches applying "*identical* frame data" to LCD controller 118 and CRT interface 124 (col. 8, ll. 8-10) (emphasis added).

Accordingly, we will affirm the Examiner's rejection of claims 48 and 49.

Obviousness Rejections

The additional applied references of Terayama, Okuley, Shih, Tafoya, and Meyn, either alone or in combination, do not cure the above-cited deficiency. Accordingly, we will also reverse the Examiner's rejections of claims 2-17, 19-34, and 40-47.

CONCLUSION

Singhal does not teach "identifying, by a software application in a computing system, display characteristics of multiple display devices."

Singhal teaches images that represent "independent views of "<u>an electronic document</u>."

ORDER

The decision of the Examiner to reject claims 1-47 is reversed. The decision of the Examiner to reject claims 48 and 49 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1). *See* 37 C.F.R. § 1.136(a)(1)(v) (2010).

AFFIRMED-IN-PART

babc

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